



**Contract Number**

**21-931 A-1**

**SAP Number**

**4400018694**

**Department of Behavioral Health**

|   |                                     |
|---|-------------------------------------|
| <b>Department Contract Representative</b> | Eric Williams                       |
| <b>Telephone Number</b>                   | (909) 388-0951                      |
| <b>Contractor</b>                         | Ark Homes Foster Family Agency      |
| <b>Contractor Representative</b>          | David Mathias                       |
| <b>Telephone Number</b>                   | (909) 948-5747                      |
| <b>Contract Term</b>                      | January 1, 2022 – December 31, 2026 |
| <b>Original Contract Amount</b>           | \$19,794,525 Aggregate              |
| <b>Amendment Amount</b>                   | \$10,718,750 Aggregate              |
| <b>Total Contract Amount</b>              | \$30,513,275 Aggregate              |
| <b>Cost Center</b>                        | 9207081000                          |

THIS AMENDMENT is entered into in the State of California by and between San Bernardino County, hereinafter called the County, and Ark Homes Foster Family Agency referenced above, hereinafter called Contractor.

**IT IS HEREBY AGREED AS FOLLOWS:**

**WITNESSETH:**

IN THAT CERTAIN **Contract No. 21-931** by and between San Bernardino County, a political subdivision of the State of California, and Contractor for Foster Family Agency Mental Health Services, which Contract first became effective January 1, 2022, the following changes are hereby made and agreed to, retroactively effective January 1, 2024:

- I. AGGREGATE FISCAL PROVISIONS are amended to read as follows:

**AGGREGATE FISCAL PROVISIONS**

**Term:** January 1, 2022 through December 31, 2026, in accordance with Article V. Funding and Budgetary Restrictions, and Article VI. Provisional Payment.

**Aggregate Maximum Obligation:**

| <b>Fiscal Year</b>                         | <b>Total</b>        |
|--|---------------------|
| 2021-22                                    | \$1,979,452         |
| 2022-23                                    | \$3,958,905         |
| 2023-24                                    | \$5,490,155         |
| 2024-25                                    | \$7,633,905         |
| 2025-26                                    | \$7,633,905         |
| 2026-27                                    | \$3,816,953         |
| <b>TOTAL AGGREGATE MAXIMUM OBLIGATION:</b> | <b>\$30,513,275</b> |

**Basis for Reimbursement:**

The most recent Cost Report, if applicable, or Provider Target rate, whichever is lower, shall prevail.

**Basis for Final Reimbursement**

See Article VIII. Annual Cost Report Settlement, Paragraph E.

**Notices to County and Contractor:**

COUNTY: County of San Bernardino  
Department of Behavioral Health  
Fiscal Services  
303 East Vanderbilt Way  
San Bernardino, CA 92415-0026

CONTRACTOR: Ark Homes Foster Family Agency  
9645 Arrow Route, Bldg. 5, Ste. A  
Rancho Cucamonga, CA

II. ARTICLE V FUNDING AND BUDGETARY RESTRICTIONS, paragraphs I and J are hereby added to read as follows:

I. The allowable funding sources for this Contract may include: Federal Financial Participation Medi-Cal, 2011 Realignment, and San Bernardino County's Department of Children and Family Services (CFS) through a Memorandum of Understanding. Federal funds may not be used as match funds to draw down federal funds.

J. The Schedules A and B will be submitted to, and approved by, the Director or designee at a later date.

III. ARTICLE XVII PERSONNEL, paragraph J, is hereby amended and paragraphs L and M, are hereby added to read as follows:

J. Iran Contracting Act

IRAN CONTRACTING ACT OF 2010, Public Contract Code sections 2200 et seq. (Applicable for all Contracts of one million dollars (\$1,000,000) or more). In accordance with Public Contract Code section 2204(a), the Contractor certifies that at the time the Contract is signed, the Contractor signing the Contract is not identified on a list created pursuant to subdivision (b) of Public Contract Code section 2203 as a person (as defined in Public Contract Code section 2202(e)) engaging in investment activities in Iran described in subdivision (a) of Public Contract Code section 2202.5, or as a person described in subdivision (b) of Public Contract Code section 2202.5, as applicable.

Contractors are cautioned that making a false certification may subject the Contractor to civil penalties, termination of existing contract, and ineligibility to bid on a contract for a period of three (3) years in accordance with Public Contract Code section 2205.

L. Executive Order N-6-22 Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>), as well as any sanctions imposed under state law (<https://www.dgs.ca.gov/OLS/Ukraine-Russia>). The EO directs state agencies and their contractors (including by agreement or receipt of a grant) to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should it be determined that Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. Contractor shall be provided advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the County.

M. Campaign Contribution Disclosure (SB 1439)

Contractor has disclosed to the County using Attachment III - Campaign Contribution Disclosure Senate Bill 1439, whether it has made any campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer [Sheriff, Assessor-Recorder-Clerk, Auditor-Controller/Treasurer/Tax Collector and the District Attorney] within the earlier of: (1) the date of the submission of Contractor's proposal to the County, or (2) 12

months before the date this Contract was approved by the Board of Supervisors. Contractor acknowledges that under Government Code section 84308, Contractor is prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer for 12 months after the County's consideration of the Contract.

In the event of a proposed amendment to this Contract, the Contractor will provide the County a written statement disclosing any campaign contribution(s) of more than \$250 to any member of the Board of Supervisors or other County elected officer within the preceding 12 months of the date of the proposed amendment.

Campaign contributions include those made by any agent/person/entity on behalf of the Contractor or by a parent, subsidiary or otherwise related business entity of Contractor.

IV. ADDENDUM I "SERVICE DESCRIPTION", Article IV "PROGRAM DESCRIPTION", paragraphs F, G and H are hereby added to read as follows:

F. Complex Care Capacity Building Efforts

1. Complex Care Capacity Building efforts provided funding to San Bernardino County (SBC) Children and Family Services (CFS) to expand the residential options for high needs foster youth who are residing in a foster home and require intensive specialty mental health services (SMHS).
2. These residential options include:
  - a. Ten (10) Enhanced Intensive Foster Care (E-ISFC) homes for high needs foster youth who are Commercially Sexually Exploited Children (CSEC).
  - b. Ten (10) Intensive Services Foster Care (ISFC) for high needs foster youth.
3. Only the FFA MHS program providers that have been selected by SBC CFS to participate in the Complex Care Capacity Building efforts will receive additional funding to meet the SMHS requirements of a E-ISFC and ISFC home.

G. Childrens Crisis Continuum Pilot (CCCP)

1. San Bernardino County in coordination with Riverside County submitted a joint Children's Crisis Continuum Pilot (CCCP) proposal and obtained funding that will be used by multiple programs to implement CCCP.
2. One critical program is the availability of E-ISFC/ISFC Homes that require intensive specialty mental health services.
3. Only the FFA MHS program providers that have been selected by SBC CFS to participate in the CCCP program, will receive additional funding to meet the SMHS requirements of a E-ISFC and ISFC home.

H. Enhanced-Intensive Foster Care Services (E-ISFC)/Intensive Foster Care Services (ISFC) homes.

1. E-ISFC/ISFC homes are for high needs foster youth and is tailored to the individualized needs of the foster youth with coordination/collaboration of services between providers and the Resource Parent (RP).
2. The Resource Parent, also referred to as a Professional Parent is specially trained to provide a higher level of care and support to a foster youth in their care including

providing intensive Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Specialty Mental Health Services (SMHS) via Therapeutic Foster Care services.

3. Youth will receive a high intensity of the SMHS that are listed under Mode 15 and Mode 5 Services as outlined in the contract below. These SMHS will be provided multiple times per day and up to 5-7 days a week.
4. Youth residing in a E-ISFC/ISFC homes require a weekly Child and Family Team Meeting (CFTM).

V. ADDENDUM I "SERVICE DESCRIPTION", Article V "DESCRIPTION OF SPECIFIC SERVICES TO BE PROVIDED", paragraphs C's title is hereby renamed to read as follows:

C. The role of a Parent Partner

VI. ATTACHMENT III "CAMPAIGN CONTRIBUTION DISCLOSURE (SB1439)", is hereby added.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

VII. All other terms, conditions and covenants in Contract No. 21-931 remain in full force and effect.

This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.

SAN BERNARDINO COUNTY

Ark Homes Foster Family Agency

*(Print or type name of corporation, company, contractor, etc.)*

►  
\_\_\_\_\_  
Dawn Rowe, Chair, Board of Supervisors

By \_\_\_\_\_  
*(Authorized signature - sign in blue ink)*

Dated: \_\_\_\_\_  
SIGNED AND CERTIFIED THAT A COPY OF THIS  
DOCUMENT HAS BEEN DELIVERED TO THE  
CHAIRMAN OF THE BOARD  
Lynna Monell  
Clerk of the Board of Supervisors  
of San Bernardino County

Name David Mathias  
*(Print or type name of person signing contract)*

Title Chief Executive Officer  
*(Print or Type)*

By \_\_\_\_\_  
Deputy

Dated: \_\_\_\_\_  
Address 9645 Arrow RTE  
BLDG 5 Suite A  
Rancho Cucamonga, CA 91730

**FOR COUNTY USE ONLY**

|  |  |   |
|--|--|---|
| <p>Approved as to Legal Form</p> <p>►<br/>_____<br/>Dawn Martin, Deputy County Counsel</p> <p>Date _____</p> | <p>Reviewed for Contract Compliance</p> <p>►<br/>_____<br/>Ellayna Hoatson, Contracts Supervisor</p> <p>Date _____</p> | <p>Reviewed/Approved by Department</p> <p>►<br/>_____<br/>Georgina Yoshioka, Director</p> <p>Date _____</p> |
|--|--|---|



## Campaign Contribution Disclosure (Senate Bill 1439)

### DEFINITIONS

Actively supporting the matter: (a) Communicate directly with a member of the Board of Supervisors or other County elected officer [Sheriff, Assessor-Recorder-Clerk, District Attorney, Auditor-Controller/Treasurer/Tax Collector] for the purpose of influencing the decision on the matter; or (b) testifies or makes an oral statement before the County in a proceeding on the matter for the purpose of influencing the County's decision on the matter; or (c) communicates with County employees, for the purpose of influencing the County's decision on the matter; or (d) when the person/company's agent lobbies in person, testifies in person or otherwise communicates with the Board or County employees for purposes of influencing the County's decision in a matter.

Agent: A third-party individual or firm who, for compensation, is representing a party or a participant in the matter submitted to the Board of Supervisors. If an agent is an employee or member of a third-party law, architectural, engineering or consulting firm, or a similar entity, both the entity and the individual are considered agents.

Otherwise related entity: An otherwise related entity is any for-profit organization/company which does not have a parent-subsidary relationship but meets one of the following criteria:

- (1) One business entity has a controlling ownership interest in the other business entity;
- (2) there is shared management and control between the entities; or
- (3) a controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.

For purposes of (2), "shared management and control" can be found when the same person or substantially the same persons own and manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees, or otherwise share activities, resources, or personnel on a regular basis; or there is otherwise a regular and close working relationship between the entities.

Parent-Subsidiary Relationship: A parent-subsidiary relationship exists when one corporation has more than 50 percent of the voting power of another corporation.

**Contractors must respond to the questions on the following page. If a question does not apply respond N/A or Not Applicable.**

1. Name of Contractor: Ark Homes Foster Family Agency

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2. Is the entity listed in Question No. 1 a non-profit organization under Internal Revenue Code section 501(c)(3)?  
 Yes  If yes, skip Question Nos. 3 - 4 and go to Question No. 5.  
 No

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3. Name of Principal (i.e., CEO/President) of entity listed in Question No. 1, if the individual actively supports the matter and has a financial interest in the decision: David K. Mathias, Executive Director

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4. If the entity identified in Question No.1 is a corporation held by 35 or less shareholders, and not publicly traded ("closed corporation"), identify the major shareholder(s): n/a

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5. Name of any parent, subsidiary, or otherwise related entity for the entity listed in Question No. 1 (see definitions above):

| Company Name | Relationship |
|--------------|--------------|
| n/a          | n/a          |
|              |              |

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6. Name of agent(s) of Contractor:

| Company Name | Agent(s) | Date Agent Retained (if less than 12 months prior) |
|--------------|----------|--|
| n/a          | n/a      | n/a  |
|              |          |  |

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7. Name of Subcontractor(s) (including Principal and Agent(s)) that will be providing services/work under the awarded contract if the subcontractor (1) actively supports the matter and (2) has a financial interest in the decision and (3) will be possibly identified in the contract with the County or board governed special district:

| Company Name | Subcontractor(s): | Principal and/or Agent(s): |
|--------------|-------------------|----------------------------|
| n/a          | n/a               | n/a                        |
|              |                   |                            |

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8. Name of any known individuals/companies who are not listed in Questions 1-7, but who may (1) actively support or oppose the matter submitted to the Board and (2) have a financial interest in the outcome of the decision:

| Company Name | Individual(s) Name |
|--------------|--------------------|
| n/a          | n/a                |
|              |                    |

9. Was a campaign contribution, of more than \$250, made to any member of the San Bernardino County Board of Supervisors or other County elected officer within the prior 12 months, by any of the individuals or entities listed in Question Nos. 1-8?

No  If no, please skip Question No. 10. Yes  If yes, please continue to complete this form.

10. Name of Board of Supervisor Member or other County elected officer: \_\_\_\_\_

Name of Contributor: \_\_\_\_\_

Date(s) of Contribution(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Please add an additional sheet(s) to identify additional Board Members or other County elected officers to whom anyone listed made campaign contributions.

By signing below, Contractor certifies that the statements made herein are true and correct. Contractor understands that the individuals and entities listed in Question Nos. 1-8 are prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer while this matter is pending and for 12 months after a final decision is made by the County.

David K Mathias Digitally signed by David K Mathias  
Date: 2024.06.13 16:45:01 -07'00'

Signature

David K. Mathias

Print Name

6/13/2024

Date

Ark Homes Foster Family Agency

Print Entity Name, if applicable